

**OPINION
45-223**

May 4, 1945 (OPINION)

OFFICES

RE: Incompatibility

This is in reply to your recent letter addressed to the attorney general with reference to the employment of a leasing agent for Burleigh County.

Mr. W.G. Worner was elected county treasurer at the last election. Prior to his election he was serving as a member of the board of county commissioners, and as such was acting as leasing agent as provided by section 57-2825.

The question presented is whether or not Mr. Worner, as county treasurer, may also act as county land or leasing agent and receive a salary therefor.

A person elected to the office of county treasurer is required to give all his time to the discharge of the duties of that office. The work connected with the office of leasing agent is of a different nature from the duties of the county treasurer and would require considerable time and would also necessitate absence from the office at different times. The fact that such duties might be performed after office hours or evenings we do not believe would change the situation.

There is also the question of incompatibility of the two offices. While it may not be entirely clear that such offices are incompatible, nevertheless there will be situations arising where there might be a conflict of duties. There is also the question of public policy and we believe from that point of view that it would not be advisable for the county treasurer to act in the dual capacity treasurer and county leasing agent.

NELS G. JOHNSON

Attorney General